

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED

MACK ALLEN,
Appellant,

v.

CASE NO. 1D02-1791

STATE OF FLORIDA,
Appellee.

Opinion filed October 17, 2003.

An appeal from an order of the Circuit Court for Gadsden County.
Terry P. Lewis, Judge.

Nancy A. Daniels, Public Defender; James C. Banks, Special Assistant Public
Defender, Tallahassee, for Appellant.

Charlie Crist, Attorney General; Thomas H. Duffy, Assistant Attorney General,
Tallahassee, for Appellee.

PER CURIAM.

AFFIRMED. See Charleston v. State, 852 So. 2d 348, 349 (Fla. 1st DCA
2003) (citing Gibson v. State, 721 So. 2d 363 (Fla. 2d DCA 1998)).

WOLF, C.J., LEWIS and POLSTON, JJ., CONCUR.